

HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 252 & 495

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO ELECTIONS; LIMITING CONTRIBUTIONS BY PERSONS AND
POLITICAL COMMITTEES TO CANDIDATES IN ELECTIONS COVERED BY THE
CAMPAIGN REPORTING ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Campaign Reporting Act is
enacted to read:

"~~[NEW MATERIAL]~~ CONTRIBUTIONS LIMITATIONS--CANDIDATES--
POLITICAL COMMITTEES.--

A. The following contributions by the following
persons are prohibited:

(1) from a person, not including a political
committee, to a:

(a) candidate for nonstatewide office,
including the candidate's campaign committee, in an amount that

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1 will cause that person's total contributions to the candidate
2 to exceed two thousand three hundred dollars (\$2,300) during
3 the primary election or two thousand three hundred dollars
4 (\$2,300) during the general election;

5 (b) candidate for statewide office,
6 including the candidate's campaign committee, in an amount that
7 will cause that person's total contributions to the candidate
8 to exceed five thousand dollars (\$5,000) during the primary
9 election or five thousand dollars (\$5,000) during the general
10 election; or

11 (c) political committee in an amount
12 that will cause that person's total contributions to the
13 political committee to exceed five thousand dollars (\$5,000)
14 during the primary election or five thousand dollars (\$5,000)
15 during the general election; and

16 (2) from a political committee to:

17 (a) a candidate for office, including
18 the candidate's campaign committee, in an amount that will
19 cause the political committee's total contributions to the
20 candidate to exceed five thousand dollars (\$5,000) during the
21 primary election or five thousand dollars (\$5,000) during the
22 general election; or

23 (b) another political committee in an
24 amount that will cause that political committee's total
25 contributions to the political committee to exceed five

1 thousand dollars (\$5,000) during the primary election or five
2 thousand dollars (\$5,000) during the general election.

3 B. All contributions made by a person, either
4 directly or indirectly, including contributions that are in any
5 way earmarked or otherwise directed through another person to a
6 candidate, shall be treated as contributions from the person to
7 that candidate.

8 C. A person shall not knowingly accept or solicit a
9 contribution, directly or indirectly, including a contribution
10 earmarked or otherwise directed or coordinated through another
11 person, that violates the contribution limits provided for in
12 this section.

13 D. On January 1 after each general election, the
14 contribution amounts provided in Subsection A of this section
15 shall be increased by the percentage of the preceding two
16 calendar year's increase of the consumer price index for all
17 urban consumers, United States city average for all items,
18 published by the United States department of labor. The amount
19 of the increase shall be rounded to the nearest multiple of one
20 hundred dollars (\$100). The secretary of state shall publish
21 by October 1 before each general election the adjusted
22 contribution limits that shall take effect the day after the
23 following general election.

24 E. All contributions in excess of the limits
25 imposed by the provisions of this section shall be deposited in

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1 the public election fund upon a finding by the secretary of
2 state that the contribution limits have been exceeded.

3 F. The limitation on contributions to a candidate
4 provided for in Subsection A of this section shall not apply to
5 a candidate's own contribution from the candidate's personal
6 funds to the candidate's own campaign.

7 G. For the purposes of this section:

8 (1) "primary election" means the period
9 beginning on the day after the general election for the
10 applicable office and ending on the day of the primary for that
11 office; and

12 (2) "general election" means the period
13 beginning on the day after the primary for the applicable
14 office and ending on the day of the general election for that
15 office."

16 Section 2. Section 1-19-34.3 NMSA 1978 (being Laws 1993,
17 Chapter 46, Section 14, as amended) is amended to read:

18 "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER
19 PROHIBITED.--It is unlawful for a person [~~or political~~
20 ~~committee to make, or a candidate or his agent to accept, a~~
21 ~~contribution that is reported as coming from one person or~~
22 ~~entity when the candidate or his agent knows that the~~
23 ~~contribution is actually from another person or entity that~~
24 ~~directed that the contribution not be publicly reported] to
25 make a contribution in the name of another person, and no~~

1 person shall knowingly accept a contribution made by one person
2 in the name of another person."

3 Section 3. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2009.

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